

I. Claims 1-17, drawn to a composition comprising a GnRH, analogs, or agonists; and

II. Claims 18-26, drawn to a method for treating reproductive disorders.

Applicant elects the invention of Group I, drawn to the composition, with traverse.

Applicant respectfully submits that the restriction requirement is erroneous and should be withdrawn. The Examiner supports the restriction requirement by alleging that the claims in Groups I and II describe distinct inventions pursuant to MPEP § 806.05(h) and belong to separate classifications in the art. However, according to MPEP § 803 the examiner must examine an entire application on the merits, including claims to distinct or independent inventions, so long as the search and examination of the entire applications can be made without serious burden.

Applicant respectfully submits that examination of the claims of the entire application will not impose an undue burden for two reasons. First, if the composition claims (Group I) are allowable, then, by definition, the method claims (Group II) must also be allowable. Additionally, a complete search of the method claims would require a search of the composition claims; thus, the presence of both in the same application does not create an increased burden on examination.

II. ELECTION OF SPECIES:

Upon election of the Group I claims, the Examiner has further required an election of species from the list recited in claim 1: a) GnRH, b) a specie of an analog or c) a specie of an agonist, for prosecution on the merits.

Applicants elect the species of GnRH analog deslorelin.

However, Applicants make this election with traverse to the extent that the Examiner intends to follow a procedure differing from that explained in MPEP § 803.02, which provides for full examination of a generic claim with respect to the elected species as well as to the extent necessary to determine patentability of the generic claim itself. Applicants respectfully submit that MPEP § 803.02 provides the appropriate and required procedure for examination in this situation.

Claims 1-17 are readable on the elected invention.

Applicants earnestly solicit an early and favorable action on the merits.

Please charge any additional fees or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,



Bruce D. Gray
Reg. No. 35,799

OF COUNSEL:

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
404-815-6218
Attorney Docket No.: S0351/186588